



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/766,238

01/29/2004

Kang Soo Seo

1740-000028/US

2909

30593

7590

03/20/2008

HARNESS, DICKEY & PIERCE, P.L.C.

P.O. BOX 8910

RESTON, VA 20195

EXAMINER

DUNN, MISHAWN N

ART UNIT

PAPER NUMBER

2621

MAIL DATE

DELIVERY MODE

03/20/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                        |  |                     |  |
|------------------------------|------------------------|--|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> |  | <b>Applicant(s)</b> |  |
|                              | 10/766,238             |  | SEO ET AL.          |  |
|                              | <b>Examiner</b>        |  | <b>Art Unit</b>     |  |
|                              | MISHAWN DUNN           |  | 2621                |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period **will** apply and **will** expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply **will**, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 9 November 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,5-15, and 17-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,5-15, and 17-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                        |                                                                   |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/08</u> .                                                    | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Terminal Disclaimer***

2. The terminal disclaimer filed disclaiming the terminal portion of any patent granted on this application which has been reviewed and is accepted. The terminal disclaimer has been recorded.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1, 5-15, and 17-20 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Objections***

4. Claims 11 and 13 are objected to because of the following informalities: Claims 11 and 13 depend on method claims 17 and 18, therefore they should recite, "The method of....." Appropriate correction is required.

### ***Claim Rejections - 35 USC § 101***

5. 35 U.S.C. 101 reads as follows:

Art Unit: 2621

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 1, 5-10, 12, 14, and 15 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter as follows. Claim 1 defines a computer readable medium having a data structure for managing reproduction of data stream recorded on the computer readable medium. The claimed invention would have been statutory had it been worded to include **computer program** embedded in a computer readable medium. Computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationship between the computer program and the rest of the computer which permit the computer program's functionality to be realized, and is thus statutory. See Lowry, 32 F.3d at 1583-84, 32 USPQ2d at 1035.

### ***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1, 5-15, 17, and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Kato et al. (U.S. Pub. No. 2005/0019007).

9. Consider claim 1, Kato et al. discloses a computer readable medium having a data structure for managing reproduction of data streams (para. 0029), comprising: a data area configured to store a data stream, the data stream including a plurality of transport stream packets, the transport stream packets having respective packet identifiers (PID) (paras. 0205, 0240, and 0242); and a navigation area configured to store a playlist for managing playback of the data stream (para. 0257), the playlist including a playitem indicating a playing interval of the data stream (para. 0188; fig. 2), and the playitem including a packet identifier information field indicating the packet identifier (PID) of the transport stream packets associated with the playitem (paras. 0240, 0242 and 0622-0624).
10. Consider claim 5. Kato et al. teaches a computer readable medium wherein the data streams are elementary data streams (paras. 0239-0242).
11. Consider claim 6. Kato et al. teaches a computer readable medium wherein the data area stored elementary streams as transport streams (paras. 0240 and 0242).
12. Consider claim 7, Kato et al. teaches a computer readable medium wherein the data area stores the data streams multiplexed together (paras. 0176 and 0177).
13. Consider claim 13. Kato et al. teaches a computer readable medium wherein the plurality of data streams includes video data streams (para. 0240).
14. Consider claim 14. Kato et al. teaches a computer readable medium wherein the plurality of data streams includes video data streams and at least one of audio data streams, graphics data streams and subtitle data streams (para. 0240).

15. Claims 8-12, 15, 17, and 18 are rejected using similar reasoning as the corresponding claims above.

***Claim Rejections - 35 USC § 103***

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Monahan (U.S. Pub. No. 2004/0141436) and in view of Kato et al. (U.S. Pub. No. 2005/0019007).

18. Consider claim 19. Monahan discloses an apparatus for recording a data structure for managing reproduction of data streams on a computer readable medium, comprising: an optical recording device configured to record data on the computer readable medium; a controller (Fig. 1, SYSTEM CONTROLLER 140) configured to control the optical recording device to record.

Monahan however does not teach recording a playlist including a playitem indicating a playing interval of a data stream, and the playitem including a packet identifier information field indicating a packet identifier (PID) of transport stream packets associated with the playitem.

However, Kato et al. teaches recording a playlist including a playitem indicating a playing interval of a data stream, and the playitem including a packet identifier

information field indicating a packet identifier (PID) of transport stream packets associated with the playitem (paras. 0205, 0240, 0242, and 0257; fig. 2).

Therefore, it would have been obvious to one with ordinary skill in the art, at the time the invention was made to use, to record a playlist including a playitem indicating a playing interval of a data stream, in order to allow the user to promptly and reliably access a desired location in the video stream.

19. Claim 20 is rejected using similar reasoning as the corresponding claim above.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MISHAWN DUNN whose telephone number is

Art Unit: 2621

(571)272-7635. The examiner can normally be reached on Monday - Friday 7:30 aM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on (571)272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MISHAWN DUNN/  
Examiner, Art Unit 2621  
March 10, 2008

/Thai Tran/  
Supervisory Patent Examiner, Art Unit 2621